

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE SWAIN

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X Legacy, LLC,

Plaintiff,

-against-

Third World Press Inc.,

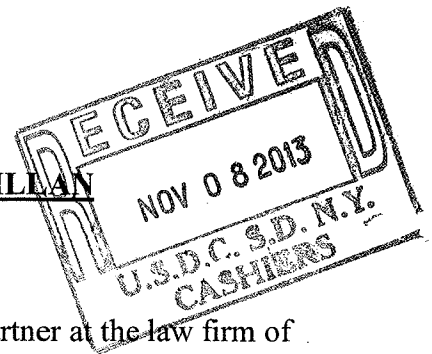
Defendant.
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13 CV 7984
Case No. **7984**

DECLARATION OF L. LONDELL McMILLAN

I, L.LONDELL McMILLAN, declare as follows:

1. I am an attorney duly admitted to this Court and a Partner at the law firm of Meister Seelig & Fein LLP, counsel for plaintiff X Legacy, LLC ("X Legacy"). I submit this declaration in support of X Legacy's application for a temporary restraining order and preliminary injunction.
2. Third World Press Inc. ("TWP") has begun an internet-based fundraising campaign in support of its improper publication of the diaries of Malcolm X (the "Diaries"). A true and correct copy of their internet-based funding campaign is attached hereto as Exhibit A.
3. TWP explains on its own website, www.Thirdworldpressinc.com, that "In just a few months, the world will see, The Diary of Malcolm X, printed contents of his private diary from the year 1964." A true and correct copy of the website is attached hereto as Exhibit B.
4. On June 7, 2011, Ms. Ilyasah Shabazz assigned all of her rights, title, and interests in all intellectual property in the estate of Malcolm X to X Legacy in an Assignment Agreement dated and effective as of April 2011. A true and correct copy of the Assignment Agreement is attached hereto as Exhibit C.



5. On December 14, 2011, Ms. Attallah Shabazz assigned all of her rights, title, and interests in all intellectual property in the estate of Malcolm X to X Legacy in an Assignment Agreement dated and effective as of April 2011. A true and correct copy of the Assignment Agreement is attached hereto as Exhibit D.

6. On June 2, 2011, Ms. Qubilah Shabazz assigned all of her rights, title, and interests in all intellectual property in the estate of Malcolm X to X Legacy in an Assignment Agreement dated and effective as of April 2011. A true and correct copy of the Assignment Agreement is attached hereto as Exhibit E.

7. In 2011, Ms. Gamilah Lumumba Shabazz assigned all of her rights, title, and interests in all intellectual property in the estate of Malcolm X to X Legacy in an Assignment Agreement dated and effective as of April 2011. A true and correct copy of the Assignment Agreement is attached hereto as Exhibit F.

8. On June 7, 2011, Ms. Malaak Shabazz assigned all of her rights, title, and interests in all intellectual property in the estate of Malcolm X to X Legacy in an Assignment Agreement dated and effective as of April 2011. A true and correct copy of the Assignment Agreement is attached hereto as Exhibit G.

9. On October 10, 2013, TWP published and distributed what is described on its cover as an "Advance Uncorrected Copy" of the Unauthorized Book. A true and correct copy of the cover of the Unauthorized Book is attached hereto as Exhibit H.

10. On October 23, 2013, I sent an email to Dr. Haki Madhubuti instructing TWP to cease and desist its infringing activities. A true and correct copy of that email is attached hereto as Exhibit I. No response has been received.

11. On October 23, 2013, a member of my staff sent an email to Dr. Haki Madhubuti requesting a response to the October 23, 2013 “cease and desist” email. A true and correct copy of which is attached hereto as Exhibit J. No response has been received.

12. On October 24, 2013, a member of my staff sent an email to Dr. Haki Madhubuti requesting a response to the follow-up of the October 23, 2013 “cease and desist” email. A true and correct copy of which is attached hereto as Exhibit K. No response has been received

13. On October 28, 2013, a member of my staff sent an email addressed to Dr. Haki Madhubuti and Ms. Gwendolyn Mitchell requesting a response to the October 23, 2013 “cease and desist” email, the October 23 and 24, 2013 follow-up of the “cease and desist” e-mail, and several calls that were placed to Third World Press on October 23, 24, 25, and 28. A true and correct copy of which is attached hereto as Exhibit L. No response has been received

14. On October 29, 2013, I sent an email to Dr. Haki Madhubuti requesting a time to speak and a response to my October 23, 2013 “cease and desist” e-mail. A true and correct copy of that email is attached hereto as Exhibit M. No response has been received.

15. On November 4, I sent an email to Dr. Haki Madhubuti requesting a response to my October 23, 2013 “cease and desist” e-mail and November 4, 2013 follow-up e-mail. A true and correct copy of that email is attached hereto as Exhibit N. No response has been received.

16. On November 5, I sent an e-mail to Mr. Bennett Johnson of Third World Press requesting a response to my “cease and desist” request. A true and correct copy of that email is attached hereto as Exhibit O.

17. On November 6, 2013, X Legacy filed a registration claim for portions of the Diaries with the United States Copyright Office and paid all fees associated with the registration.

That claim has been assigned Case # 1-1017659711. A true and correct copy of the registration claim and the receipt for such registration claim is attached hereto as Exhibit P.

18. On November 7, 2013, X Legacy filed for preregistration of the unpublished literary work currently entitled *The Diaries of Malcolm X* with the U.S. Copyright Office. A true and correct copy of the receipt from the U.S. Copyright Office for such preregistration is attached hereto as Exhibit Q.

19. This relief is necessitated by the immediate harm that will result from TWP's imminent publication of the Unauthorized Book. No prior application has been made to any judge for the same or related relief.

I declare under penalty of perjury under the laws of the United States of America and the State of New York that the foregoing is true and correct and that this declaration was executed on November 7, 2013.



L. LONDELL McMILLAN